

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

IN RE: JOHNSON & JOHNSON TALCUM
POWDER PRODUCTS MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

MDL NO. 3:16-MD-02738
JUDGE FREDA L. WOLFSON
MAG. JUDGE LOIS H. GOODMAN

**THIS RELATES TO DOC ID 14906,
CASES INCLUDED ON EXHIBIT A
TO DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS' COMPLAINT
PURSUANT TO 41B:**

**Charles Harris O/B/O Jeanne Harris v.
Johnson & Johnson et al.
Case No. 3:17-cv-01502**

RESPONSE TO DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' COMPLAINT PURSUANT TO 41B

Plaintiff, Charles Harris O/B/O Jeanne Harris, through undersigned counsel, respectfully appears to advise the Court that Plaintiff Charles Harris, the representative of his late wife Jeanne Harris, is also now deceased. Accordingly, counsel for Plaintiff is unable to cure any of the deficiencies cited by Defendants relating to the Courts three orders of September 17, 2020, [Doc. No. 14728]; [Doc. No. 14729]; [[Doc. No. 14749]. Over the last several months numerous attempts were made to contact Plaintiff by phone and mail and FedEx. Receiving no response, it was discovered that Plaintiff Charles Harris had passed away.

Louisiana law holds that survival and wrongful death claims are the individual right of statutory heirs as set forth in the Louisiana Civil Code, and that right does not automatically pass to the deceased's estate as in some common law jurisdictions.

Undersigned counsel therefore has no current living client acting in a representative capacity in the present lawsuit, nor represent any heirs of the deceased as clients, and therefore does not intend to substitute any person or estate as a party plaintiff in this action.

Plaintiff counsel respectfully advises this Court that counsel cannot comply with the Court's orders, or cure the deficiencies identified in the Court's September 2017, 2020 orders.

Submitted October 19, 2020

/s/ Richard L. Root

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DISMISS PLAINTIFFS' COMPLAINT
PURSUANT TO 41B:**

**Sara Walker v. Johnson & Johnson et al.
Case No. 3:16-cv-08963**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the attached document was served upon each attorney
of record through the Court's Electronic Court Filing System.

Submitted October 19, 2020

/s/ Richard L. Root